

## **REMARKS**

The Examiner rejected claims 1-10 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Examiner rejected claims 1-7 under 35 U.S.C. § 102(e) as allegedly being anticipated by Kobayashi *et al.* (US 6,562,219).

The Examiner rejected claim 1 and 3-10 under 35 U.S.C. § 102(e) as allegedly being anticipated by Pan *et al.* (US 2005/0054202).

Applicants respectfully traverse the § 112 and § 102 rejections with the following arguments.

### **35 U.S.C. § 112, First Paragraph**

The Examiner rejected claims 1-10 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. More specifically, the Examiner alleged that the step of "determining a water condensation temperature of an ambient environment surrounding the deposition tool" of claim 1 is not supported by the specification. In response, Applicants have deleted the step of "determining a water condensation temperature of an ambient environment surrounding the deposition tool" in claim 1. Instead, Applicants added two new steps of "bringing" and "determining" in claim 1.

Applicants respectfully contend that the two new steps of "bringing" and "determining" of claim 1 have support in the specification. The specification states that "Before the structure 100 exits the vacuum environment of the sputter tool, the temperature of the structure 100 is raised (i.e., warmed up) above the water condensation temperature of the factory environment" (paragraph 0016, lines 5-9). It should be noted that in order to raise the temperature of the structure 100 above the water condensation temperature of the factory environment, the structure 100 must be brought to a process temperature and a determination must be made as to whether the process temperature is above the water condensation temperature of the factory environment.

In other words, the two new steps of "bringing" and "determining" of claim 1 are inherent in the specification and therefore are supported by the specification (i.e., are not new matter).

**35 U.S.C. § 102(e)**

The Examiner rejected claims 1-7 under 35 U.S.C. § 102(e) as allegedly being anticipated by Kobayashi *et al.* (US 6,562,219).

Regarding claim 1, Applicants respectfully contend that Kobayashi does not anticipate claim 1, because Kobayashi does not teach each and every feature of claim 1. For example, Kobayashi does not teach “determining if the process temperature is above a water condensation temperature of an ambient environment surrounding the deposition tool” of claim 1. Based on the preceding arguments, Applicants respectfully maintain that Kobayashi does not anticipate claim 1, and that claim 1 is in condition for allowance.

Regarding claims 2-7, since claims 2-7 depend from claim 1, Applicants contend that claims 2-7 are likewise in condition for allowance.

Moreover, regarding claim 2, Kobayashi does not teach the **conditional** step of “if the process temperature is above the water condensation temperature as a result of said determining, subjecting the seed layer to the ambient environment surrounding the deposition tool while maintaining the seed layer above the water condensation temperature” of claim 2. Kobayashi may allegedly teach subjecting the seed layer to the ambient environment. However, this step of Kobayashi is not based on a determination as to whether the process temperature is above the water condensation temperature as claimed in claim 2.

Moreover, regarding claim 3, Kobayashi does not teach the **conditional** step of “if the process temperature is above the water condensation temperature as a result of said determining, depositing a bulk layer directly on the seed layer” of claim 3. Kobayashi may allegedly teach depositing a bulk layer directly on the seed layer. However, this step of Kobayashi is not based on

a determination as to whether the process temperature is above the water condensation temperature as claimed in claim 3.

The Examiner rejected claims 1, 3-10 under 35 U.S.C. § 102(e) as allegedly being anticipated by Pan *et al.* (US 2005/0054202).

Regarding claim 1, Applicants respectfully contend that Pan does not anticipate claim 1, because Pan does not teach each and every feature of claim 1. For example, Pan does not teach “determining if the process temperature is above a water condensation temperature of an ambient environment surrounding the deposition tool” of claim 1.

Regarding claims 3-10, since claims 3-10 depend from claim 1, Applicants contend that claims 3-10 are likewise in condition for allowance.

Moreover, regarding claim 3, Pan does not teach the **conditional** step of “if the process temperature is above the water condensation temperature as a result of said determining, depositing a bulk layer directly on the seed layer” of claim 3. Pan may allegedly teach depositing a bulk layer directly on the seed layer. However, this step of Pan is not based on a determination as to whether the process temperature is above the water condensation temperature as claimed in claim 3.

## CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0456.

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Jack P. Friedman

Jack P. Friedman  
Registration No. 44,688  
FOR  
Khoi D. Nguyen  
Registration No. 47,820

Schmeiser, Olsen & Watts  
22 Century Hill Drive – Suite 302  
Latham, New York 12110  
(518) 220-1850